

AO 91 (Rev. 11/11) Criminal Complaint

Officer:

AUSA: Kathryn E. Boyles

Hector Rivera

Telephone: (313) 226-9556

Telephone: (313) 771-6645

UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

Agustin DOMINGUEZ-GARDUNO

Case No. 24-30367

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 22, 2024 in the county of Washtenaw in the
Eastern District of Michigan, the defendant(s) violated:

Code Section

Offense Description

Title 8, United States Code, Sections 1326(a), (b)
(1)

Unlawful Reentry Following Removal from the United States

This criminal complaint is based on these facts:

On or about August 22, 2024, in the Eastern District of Michigan, Southern Division, Agustin DOMINGUEZ-GARDUNO, an alien who had previously been convicted of a felony offense and was subsequently removed from the United States on or about March 11, 2023, at or near Nogales, Arizona, was thereafter found in the United States without having obtained the express consent of the Attorney General of the United States or the Secretary of the Department of Homeland Security to re-apply for admission there; in violation of Title 8, United States Code, Sections 1326(a), (b)(1).

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence
and/or by reliable electronic means.

Date: August 26, 2024

City and state: Detroit, Michigan

Hector Rivera
Complainant's signature

Hector Rivera, Deportation Officer
Printed name and title

Elizabeth A. Stafford
Judge's signature

Hon. Elizabeth Stafford, United States Magistrate Judge
Printed name and title

**AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT AND ARREST
WARRANT**

I, Hector Rivera, declare the following under penalty of perjury:

1. I am a Deportation Officer employed with Immigration and Customs Enforcement (ICE), Enforcement and Removal Operations (ERO) of the United States Department of Homeland Security (DHS) at the Detroit Field Office. I have been employed in this capacity since February 2007. I am currently assigned to the Detroit ICE-ERO Fugitive Operations team.
2. This affidavit is submitted for the limited purpose of establishing probable cause in support of a criminal complaint and an arrest warrant for Agustin DOMINGUEZ-GARDUNO, an alien who has previously been convicted of a felony offense and was subsequently removed from the United States on or about March 11, 2023, at or near Nogales, Arizona, and was thereafter found in the United States on or about August 22, 2024, without having obtained the express consent or permission of the Attorney General or the Secretary of the Department of Homeland Security to reapply for admission, all in violation of Title 8, United States Code, Sections 1326(a), (b)(1).
3. The information contained in this affidavit is based upon my personal knowledge and observations, information provided by other law enforcement personnel to include ICE ERO Deportation Officers, and database record checks. I have also reviewed records from the official immigration file and system automated data relating to DOMINGUEZ-GARDUNO. I have not included every fact known to law enforcement related to this investigation.

PROBABLE CAUSE

4. DOMINGUEZ-GARDUNO is a forty-four-year-old citizen and a native of Mexico who last entered the United States on an unknown date, at an unknown place, without being inspected and admitted or paroled by an immigration officer.

5. On July 16, 2001, the 22nd Circuit Court in Ann Arbor, Michigan convicted DOMINGUEZ-GARDUNO for Assault and Battery and sentenced him to 90 days confinement.
6. On November 13, 2004, the United States Border Patrol (USBP) arrested DOMINGUEZ-GARDUNO at or near Casa Grande Arizona and served him with Form I-860, Notice and Order of Expedited Removal. On November 14, 2004, USBP removed DOMINGUEZ-GARDUNO from the United States to Mexico via Nogales, Arizona.
7. On February 22, 2005, USBP arrested DOMINGUEZ-GARDUNO at or near Nogales, Arizona and served him with Form I-860, Notice and Order of Expedited Removal. On the same date, USBP removed DOMINGUEZ-GARDUNO from the United States to Mexico via Nogales, Arizona.
8. On February 17, 2007, USBP arrested DOMINGUEZ-GARDUNO at or near Sasabe, Arizona and served him with Form I-871, Notice of Intent/Decision to Reinstate Prior Order. On the same date, DOMINGUEZ-GARDUNO was removed from the United States to Mexico via Nogales, Arizona.
9. On March 21, 2007, USBP arrested DOMINGUEZ-GARDUNO at or near Phoenix, Arizona and served him with an I-862, Notice to Appear. On April 19, 2007, an immigration judge in Eloy, Arizona ordered DOMINGUEZ-GARDUNO removed from the United States to Mexico. On the same date, ICE-ERO removed DOMINGUEZ-GARDUNO via Nogales, Arizona.
10. On April 09, 2008, USBP arrested DOMINGUEZ-GARDUNO at or near Nogales, Arizona and served him with Form I-871, Notice of Intent/Decision to Reinstate Prior Order. On the same date, USBP removed DOMINGUEZ-GARDUNO from the United States to Mexico via Nogales, Arizona.
11. On March 01, 2009, USBP arrested DOMINGUEZ-GARDUNO at or near Sasabe, Arizona and served him with Form I-871, Notice of Intent/Decision to Reinstate Prior Order. On the same date, USBP removed DOMINGUEZ-GARDUNO from the United States to Mexico via Nogales, Arizona.
12. On May 01, 2017, ICE-ERO arrested DOMINGUEZ-GARDUNO at or near Detroit, Michigan and served him with Form I-871, Notice of Intent/Decision to Reinstate Prior Order.

13. On August 16, 2017, DOMINGUEZ-GARDUNO was convicted of Unlawful Reentry Following Removal, in violation of Title 8, United States Code, Section 1326(a) in the United States District Court, Eastern District of Michigan, and was sentenced to time served, one-year non-reporting supervised release, and \$100 special assessment.
14. On August 31, 2017, ICE-ERO removed DOMINGUEZ-GARDUNO from the United States to Mexico via El Paso, Texas
15. On November 12, 2022, USBP arrested DOMINGUEZ-GARDUNO at or near Sasabe, Arizona and served him with Form I-871, Notice of Intent/Decision to Reinstate Prior Order.
16. On January 18, 2023, the United States District Court, District of Arizona, convicted DOMINGUEZ-GARDUNO for Unlawful Reentry Following Removal, with a sentence enhancement for a previous felony conviction, in violation of Title 8, United States Code, Sections 1326(a), (b)(1). DOMINGUEZ-GARDUNO was sentenced to 120 days confinement, with credit for time served.
17. On March 11, 2023, USBP removed DOMINGUEZ-GARDUNO from the United States to Mexico via Nogales, Arizona.
18. On August 22, 2024, during Operation Eagle Shield 2024, Deportation Officers from the ICE-ERO Detroit North Team traveled to the area in Ypsilanti, Michigan to locate DOMINGUEZ-GARDUNO, the target of an approved field operation. Deportation Officers positively identified DOMINGUEZ-GARDUNO, based on photograph comparisons from his immigration records, as he got in the front passenger seat of a black Chevrolet Trailblazer. Deportation Officers initiated a vehicle stop, identified themselves as immigration officers, and conducted a field interview to identify the driver and passenger of the vehicle.
19. DOMINGUEZ-GARDUNO identified himself, presented a Mexican passport in his name, and stated that he was a citizen and national of Mexico. Deportation Officers placed DOMINGUEZ-GARDUNO under arrest based on probable cause that he was an alien who had unlawfully reentered the United States after having been previously removed.

20. ICE-ERO Deportation Officers transported DOMINGUEZ-GARDUNO to the Detroit Field Office for processing. The arrest and subsequent detention of DOMINGUEZ-GARDUNO was an administrative, non-criminal action made pursuant to the authority found in sections 1357, 1225, 1226, and/or 1231 of Title 8, United States Code to arrest and detain any alien entering or attempting to enter the United States, or any alien present in the United States, who is reasonably believed to be in violation of any law or regulation regulating the admission, exclusion, expulsion, or removal of aliens.
21. DOMINGUEZ-GARDUNO's fingerprints and photograph were captured and searched in the ICE/FBI systems. The fingerprints returned with a positive match for Agustin DOMINGUEZ-GARDUNO, a native and citizen of Mexico who had previously been removed from the United States.
22. A review of DOMINGUEZ-GARDUNO's immigration file, record checks, and queries in the U.S. Department of Homeland Security databases confirmed that DOMINGUEZ-GARDUNO did not obtain the permission or express consent from the Attorney General or the Secretary of the Department of Homeland Security to reapply for admission to the United States following his removal on March 11, 2023.
23. On August 22, 2024, ICE-ERO served DOMINGUEZ-GARDUNO with Form I-871, Notice of Intent/Decision to Reinstate Prior Order.

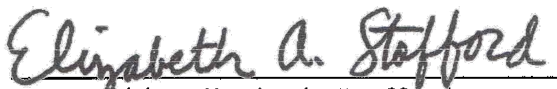
CONCLUSION

24. Based on the above information, I believe there is probable cause to conclude that Agustin DOMINGUEZ-GARDUNO is an alien who has previously been convicted of a felony offense and subsequently removed from the United States on or about March 11, 2023, at or near Nogales, Arizona, and was thereafter found in the United States on or about August 22, 2024 in the Eastern District of Michigan, without first having obtained the express consent or permission of the Attorney General or the Secretary of the Department of Homeland Security to reapply for admission to the United States, all in violation of Title 8, United States Code, Sections 1326(a), (b)(1).



Hector Rivera, Deportation Officer
Immigration and Customs Enforcement

Subscribed and sworn to before me in my
presence and/or by reliable electronic means.



Honorable Elizabeth Stafford
United States Magistrate Judge